

Appln. No. 10/092,261
Amendment dated November 28, 2005
Reply to office action of July 27, 2005

REMARKS/ARGUMENTS

The office action of July 27, 2005 (Office Action) has been considered and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-37 are pending in this application. By this amendment, claims 10, 14 and 29 have been amended.

Examiner interview

Applicants thank Examiners Bayerl and Bonshoek for the courtesies extended to the undersigned during the interview of November 17, 2005. In the interview, we discussed the Drempels and Bixler references including a demonstration of software described by the Drempels reference. In addition, we discussed subject matter pertaining to an application that is fully functional in a full application mode and that is less than fully functional in a screen saver mode, and an application that creates an image for presentation in a screen saver mode.

During the interview, we agreed in principle that Drempels fails to disclose an application that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. We generally agreed that Drempels discloses two different modes for its screen saver program (i.e., a screensaver mode and a background display mode), but fails to teach or suggest an application that is fully functional in a full application mode and that is less than fully functional in a screen saver mode.

Independent claims 1, 24 and 34 recite subject matter pertaining to an application that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. Remaining independent claims 14 and 29 have been amended to include similar subject matter. For at least this reason, Applicants respectfully submit that claims 1-37 are in condition for allowance.

35 U.S.C. §112 rejections

Claim 10 stands rejected under 35 U.S.C. §112 for lack of antecedent basis for the term "the images" in line 1. Claim 10 has been amended to replace "the images" with "images

Appln. No. 10/092,261
Amendment dated November 28, 2005
Reply to office action of July 27, 2005

generated by the application for presentation on the display screen in the screen saver mode," which obviates the rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. §102 rejections

Claims 29, 30 and 32 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the publication entitled "Serandom Screensaver Manager" (Serandom). Reconsideration and allowance of these claims are respectfully requested.

Independent claim 29, as amended, recites that the application is "a program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode." As noted in the Office Action, "Serandom fails to specifically disclose a screen saver that is capable of being executed in a less than fully functional screen saver mode and a fully functional application mode." Office Action, page 4, lines 14-16.

For at least this reason, Applicants respectfully submit that independent claim 29, as well as claims 30 and 32 depending therefrom, is not anticipated by Serandom.

35 U.S.C. §103 rejections to claims 1-13, 24-28, 31 and 33-37

Claims 1, 3-8, 11-13, 24-27, 31 and 35-37 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Serandom and the cited reference entitled "Drempels" (Drempels). Claims 2, 9, 10, 28, 33 and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Serandom and Drempels and further in view of U.S. patent no. 6,507,351 to Bixler (Bixler). Applicants respectfully traverse these rejections.

Independent claim 1 recites, among other features, the subject matter of

executing the application in the screen saver mode based on instructions from the screen saver program, the application being a program independent from the screen saver program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode, the application creating an image for presentation on a display screen in the screen saver mode.

Similarly, independent claim 24 recites, among other features, the subject matter of

an application stored in the storage medium that is fully functional in a full application mode and less than fully functional in a screen saver mode, the

Appln. No. 10/092,261
Amendment dated November 28, 2005
Reply to office action of July 27, 2005

application being a program that is independent from the screen saver program, the method comprising the steps of:

... selecting the application handle via the screen saver program to execute the application in the screen saver mode.

Likewise, independent claim 29, as amended, from which claims 31 and 33 depend, recites, among other features, the subject matter of

A computer readable medium having computer-executable instructions for performing steps comprising:

... evaluating whether a screen saver carousel contains application handles, each of the application handles executing a respective application in a screen saver mode when selected by the screen saver program, the application being an independent program from the screen saver program and being a program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode; and

if the carousel contains at least one application handle, and if the timeout period has been exceeded, selecting the at least one application handle to execute the respective application.

In addition, independent claim 34, recites, among other features, the subject matter of A portable device comprising:

... a computer application stored in the memory, the application having at least one handle executing the application in a screen saver mode when the at least one handle is selected, the application being a program that is fully functional in a full application mode and is less than fully functional in a screen saver mode, the application creating images for presentation on the display screen in the screen saver mode

As agreed to in principle during the interview, Drempels fails to disclose the recited subject matter of these claims pertaining to an application that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. Instead, Drempels teaches an application that has two modes - a screensaver mode and a desktop (background) mode, of which neither are fully functional. The Drempels' modes have common functionalities, as well as exclusive functionalities for each mode. However, neither mode of Drempels is fully functional.

While the Drempels application is in the fullscreen (screensaver) mode, the user can interact with it via hotkeys. The hotkeys include the hotkey "N" "to minimize the window

Appln. No. 10/092,261

Amendment dated November 28, 2005
Reply to office action of July 27, 2005

(fullscreen mode only)." Emphasis added. Drempels text file, page 7. The display in this mode fills the screen to form a fullscreen screensaver display. While the Drempels program is in its screensaver mode, "you can also use many of the Drempels hotkeys," (*Id.*) without selecting the DR icon required for the desktop mode. Clearly, the Drempels application has certain functionalities while in the screensaver mode that are not included in the desktop mode (e.g., the 'minimize' hotkey, full screen display functionality, and full-time hot key functionality) and vice-versa.

While the Drempels application is in the desktop mode, it is responsive to the hotkey controls "only when the 'DR' icon in the system tray is highlighted in green." *Id.* at page 6. Otherwise, keystrokes are routed to other active applications. Further, in this mode the Drempels application displays images in the background portion of the screen. Hence, the Drempels program is not fully functional in the desktop mode and may even be less functional in its desktop mode than in its screensaver mode, as it can only receive hotkey commands when the user explicitly selects the 'DR' icon, it is not capable of being minimized, and its display does not fill the screen.

Neither Serandom nor Bixler overcome these deficiencies of Drempels, nor were they relied upon such teachings. For at least these reasons, Applicants respectfully submit that independent claims 1, 24, 29 and 34, as well as claims 2-13, 25-28, 31, 33 and 35-37 depending therefrom, are allowable over the prior art of record.

35 U.S.C. §103 rejections to claims 14-23

Claims 14-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Serandom and Bixler. Reconsideration and allowance of these claims are respectfully requested.

Independent claim 14, as amended, recites, among other features, the subject matter of A wireless communication device, comprising:

...

at least one application stored in the memory having at least one handle executing the at least one application in a screen saver mode when the at least one handle is selected, the at least one application creating images for presentation on the display screen in the screen saver mode, the at least one application being

Appln. No. 10/092,261
Amendment dated November 28, 2005
Reply to office action of July 27, 2005

fully functional in a full application mode and less than fully functional in a screen saver mode

As discussed above and as noted in the Office Action, neither Serandom nor Bixler disclose the recited subject matter of an application being fully functional in a full application mode and less than fully functional in a screen saver mode. For at least this reason, Applicants respectfully submit that independent claim 14, and claims 15-23 depending therefrom, are allowable over the prior art of record.

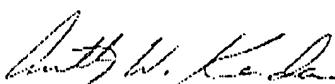
Conclusion

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact applicant's undersigned representative at the below-listed number.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: November 28, 2005

By:



Anthony W. Kandare
Registration No. 48,830

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001